

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil No. 1:10-cv-00182-MR-DSC

James Kiefner,

Plaintiff,

vs.

Mike Vasilenko, Tradition LLC
Self Insured Group Health Plan,

Defendants.

**ORDER ALLOWING ISSUANCE OF SUMMONS
DIRECTED TO
TRADITION LLC SELF INSURED GROUP HEALTH PLAN**

THIS MATTER came before the Court for review of a Motion filed by Plaintiff seeking issuance of a summons directed to Tradition LLC Self Insured Group Health Plan pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. It appears that Tradition LLC Self Insured Group Health Plan is named as a defendant in this action, but it failed to acknowledge receipt of a Complaint and waive service of a summons. More than 120 days have passed since the Complaint has been filed. As a result, Plaintiff seeks an order from this Court (a) authorizing the issuance of a summons directed to Tradition LLC Self Insured Group Health Plan, and (b) extending the time for service of the summons and Complaint on Defendant Tradition LLC Self Insured Group Health Plan.

The Court finds that good cause exists for allowing the issuance of the summons and extending the time for issuance of a summons.

IT IS THEREFORE ORDERED:

1. That Plaintiff prepare a summons and submit it to the Clerk of Court for service and seal promptly following entry of this ORDER.
2. That Plaintiff be given 90 days from issuance of the summons within which to effectuate service of the summons and Complaint upon Defendant Tradition LLC Self Insured Group Health Plan.

SO ORDERED.

Signed: May 19, 2011



David S. Cayer
United States Magistrate Judge

